

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES DALE MOSELEY,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

CASE NO. 3:16-CV-05698-BHS-JRC

ORDER DENYING MOTION TO
AMEND AS MOOT AND
DIRECTING DEFENDANTS TO
FILE ANSWER

Plaintiff, proceeding *in forma pauperis*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983. Presently before the Court is plaintiff's motion to amend complaint. Dkt. 30. Defendants do not oppose plaintiff's motion. Dkt. 32.

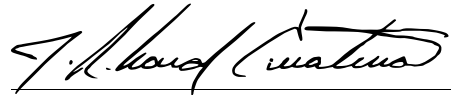
On October 21, 2016, defendants moved to dismiss plaintiff's original complaint. Dkt. 21. On December 14, 2016, the undersigned recommended that the motion to dismiss be granted, but that plaintiff be given an opportunity to amend his due process claims. Dkt. 28. On December 27, 2016, while the report and recommendation was still pending, plaintiff filed his motion to amend. Dkt. 30. On January 10, 2017, District Judge Settle adopted the report and recommendation. Dkt. 33. On January 18, 2017, plaintiff filed his amended complaint. Dkt. 34.

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1 As the Court has already granted plaintiff leave to amend his complaint, *see* Dkts. 28, 33,
2 the Court denies plaintiff's motion to amend (Dkt. 30) as moot.

3 Plaintiff's amended complaint filed on January 18, 2017 will be the operative complaint
4 in this matter. Dkt. 34. Defendants are directed to file an answer to plaintiff's amended complaint
5 (Dkt. 34) on or before February 20, 2017.

6 Dated this 19th day of January, 2017.

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8 J. Richard Creatura
9 United States Magistrate Judge
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